REMARKS

Claims 1-7, 9-14, and 17-20 are pending in this application.

Applicants have amended claims 3, 11, 12, and 20, and have canceled claims 15, 23-27, and 30 (claims 8, 16, 21, 22, 28, and 29 were previously canceled). These changes do not introduce any new matter.

Provisional Obviousness-Type Double Patenting Rejection

In response to the provisional rejection of claims 1, 5, 11, 12, 20, 23, and 30 for obviousness-type double patenting as being unpatentable over claims 1-18 of copending U.S. Application No. 10/695,971, Applicants are concurrently submitting a terminal disclaimer (as noted above, claims 23 and 30 have been canceled). Accordingly, Applicants request that the obvious-type double patenting rejection of claims 1, 5, 11, 12, and 20 be withdrawn.

Rejection Under 35 U.S.C. § 112, first paragraph

In response to the rejection of claim 12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, Applicants refer the Examiner to the description in Applicants' specification that appears at page 60, line 14 to page 61, line 9. Applicants respectfully submit that this description provides adequate written description support for the subject matter defined in claim 12. Accordingly, Applicants submit that claim 12 satisfies the written description requirement of 35 U.S.C. § 112, first paragraph, and request that the rejection of this claim thereunder be withdrawn.

Rejection Under 35 U.S.C. § 112, second paragraph

In response to the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite, Applicants have amended claim 3 to specify that the trade-in quote is "higher than" the cash-out quote. In response to the rejection of claim 12 under 35 U.S.C. § 112, second paragraph, as being indefinite, Applicants have amended claim 12 to specify "a value range from the lowest to a highest price *for the used article to be accepted*." Accordingly,

Applicants submit that claims 3 and 12 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 101

Applicants respectfully request reconsideration of the rejection of claims 11, 20, and 30 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (as noted above, claim 30 has been canceled). Applicants have amended each of claims 11 and 20 to specify that each of the modules in the used article quotation system is executed by an integrated circuit. Accordingly, Applicants submit that claims 11 and 20 now define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

Rejections under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5, 6, and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication ("HP Trade-in: Overview") in view of *Ellenson et al.* ("*Ellenson*") (US 2003/0200151 A1) and *Seretti et al.* ("*Seretti*") (US 5,978,776). As will be explained in more detail below, the combination of the HP publication in view of *Ellenson* and *Seretti* would not have rendered the subject matter defined in independent claims 1 and 11, as presented herein, obvious to one having ordinary skill in the art.

Independent claim 1 defines a used article quotation method that includes, among other operations, determining whether a cash-out quote is in a preset allowable cash-out quote value range, and when it is determined that the cash-out quote is out of the preset allowable cash-out value range, sending quotation information including only the trade-in quote and excluding the cash-out quote to a user computer. Independent claim 11 defines a used article quotation system that includes, among other features, a quotation information transmission

module that implements functionality that corresponds to the above-discussed operations specified in claim 1. In support of the obviousness rejection, the Examiner alleges that the foregoing features of claims 1 and 11 are disclosed in the *Seretti* reference. Applicants respectfully traverse the Examiner's characterization of the *Seretti* reference relative to the claimed subject matter.

The *Seretti* reference discloses a vehicular data exchange system. In particular, the *Seretti* reference discloses the providing of a buy figure and an appraisal figure for a used item. The *Seretti* reference, however, neither discloses nor suggests anything about determining whether the buy figure is in a preset allowable value range and sending quotation information excluding the buy figure to a user computer. As such, the *Seretti* reference does not provide support for the obviousness rejection of claims 1 and 11.

In view of the foregoing, even if one having ordinary skill in the art were to have combined the HP publication, the *Ellenson* reference, and the *Seretti* reference in the manner proposed by the Examiner, this combination would not have resulted in a method or system that includes each and every feature of the subject matter defined in claims 1 and 11 because of the above-discussed deficiencies of the *Seretti* reference relative to the claimed subject matter. Thus, the combination of the HP publication, the *Ellenson* reference, and the *Seretti* reference would not have rendered the subject matter defined in claims 1 and 11 obvious to one having ordinary skill in the art.

Accordingly, independent claims 1 and 11, as presented herein, are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and *Seretti*. Claims 2, 5, 6, 9, and 10, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and *Seretti* for at least the same reasons set forth above with regard to claim 1.

Applicants respectfully request reconsideration of the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and *Seretti*, and further in view of Official Notice. Each of claims 3 and 4 ultimately depends from claim 1. The Official Notice taken by the Examiner does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and *Seretti* relative to the subject matter defined in independent claim 1. Accordingly, claims 3 and 4 are patentable under 35 U.S.C. § 103(a) over the HP publication in view of *Ellenson* and *Seretti*, and further in view of Official Notice for at least the reason that each of these claims ultimately depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and *Seretti*, and further in view of the article by *Marshall* entitled "How Internet Cookies Work" ("the *Marshall* article"). Claim 7 ultimately depends from claim 1. The *Marshall* article does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and *Seretti* relative to the subject matter defined in independent claim 1. Accordingly, claim 7 is patentable under 35 U.S.C. § 103(a) over the HP publication in view of *Ellenson* and *Seretti*, and further in view of the *Marshall* article for at least the reason that this claim ultimately depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claims 12-15, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson*, and further in view of Applicants' Own Admissions (AOA) (as noted above, claim 15 has been canceled). As will be explained in more detail below, the combination of the HP publication in view of *Ellenson* and AOA would not have rendered the subject matter defined in independent claims 12 and 20, as amended herein, obvious to one having ordinary skill in the art.

Applicants have amended independent method claim 12 to include the features specified in original claim 15. When assessment of a used article is not required, the method defined in present claim 12 sets a settled price of no value range determined according to the tentative quote to a firm price in the case where a tentative quote exceeds a predetermined value level criterion, while setting a fixed value regardless of the tentative quote to the firm price in the case where the tentative quote is not greater than the predetermined value level criterion. This feature is neither disclosed nor suggested in any of the HP publication, the *Ellenson* reference, and AOA.

Applicants have amended independent system claim 20 along the same lines that claim 12 has been amended. As such, the arguments set forth above regarding present claim 12 also apply to present claim 20.

With regard to the Examiner's reliance on AOA in support of the obviousness rejection, Applicants respectfully traverse the Examiner's characterization of the statements made in Applicants' specification on page 3 (first paragraph) relative to the claimed subject matter. The statements made on page 3 of Applicants' specification do not constitute either a disclosure or a suggestion of the features specified in original claim 15, which have now been incorporated into claims 12 and 20. As such, the statements made on page 3 of Applicants' specification do not support the Examiner's assertion that AOA discloses the features specified in original claim 15 (see the Office Action at page 17).

Thus, even if one having ordinary skill in the art were to have combined the HP publication, the *Ellenson* reference, and AOA in the manner proposed by the Examiner, this combination would not have resulted in a method or system that includes each and every feature of the subject matter defined in present claims 12 and 20 because of the above-discussed deficiencies of AOA relative to the claimed subject matter. Thus, the combination

of the HP publication, the *Ellenson* reference, and AOA would not have rendered the subject matter defined in present claims 12 and 20 obvious to one having ordinary skill in the art.

Accordingly, independent claims 12 and 20, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and AOA. Claims 13, 14, and 17, each of which depends from claim 12, are likewise patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and AOA for at least the reason that each of these claims depends from claim 12.

Applicants respectfully request reconsideration of the rejection of claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the HP publication in view of *Ellenson* and AOA, and further in view of *Seretti*. Each of claims 18 and 19 ultimately depends from claim 12. The *Seretti* reference does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and AOA relative to the subject matter defined in present claim 12. Accordingly, claims 18 and 19 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson*, AOA, and *Seretti* for at least the reason that each of these claims ultimately depends from claim 12.

In light of the cancellation of claims 23-26 and 30, the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and the *Marshall* article is moot.

In light of the cancellation of claim 27, the rejection of this claim under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson*, the *Marshall* article, and *Seretti* is moot.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-7, 9-14, and 17-20, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP002).

Respectfully submitted,
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